

RECEIVED
CENTRAL FAX CENTER

MAR 31 2005

Doc. No. 338542 WEMHH/SB/21 (9/04)

Approved for use through 07/31/2000. OMB 0851-0091

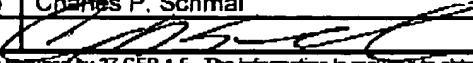
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

| | | | |
|--|---|------------------------|------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 10/050,284 |
| | | Filing Date | January 16, 2002 |
| | | First Named Inventor | John H. Thomas |
| | | Art Unit | 2645 |
| | | Examiner Name | Simon P. Sing |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | 7320-223 |

| | | | |
|---|---|--|--------------------------|
| ENCLOSURES (Check all that apply) | | | |
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/> | <input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Comments on Statements of Reasons for Allowance | |
| | | | <input type="checkbox"/> |
| Remarks | | | |

| | |
|---|--|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
| Firm or individual name | Charles P. Schmal, Reg. No. 45,082 Woodard, Emhardt, Moriarty, McNett & Henry LLP |
| Signature |  |
| Date | March 31, 2005 |

| | |
|--|---|
| CERTIFICATE OF TRANSMISSION/MAILING | |
| I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 672-9306 on the date indicated below. | |
| Typed or printed name | Charles P. Schmal |
| Signature |  |
| Date | March 31, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

MAR 31 2005

CPS:clk:338540

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

John H. Thomas

Application No. 10/050,284

Filed January 16, 2002

METHOD AND SYSTEM FOR ADMINISTERING MULTIPLE MESSAGES OVER A PUBLIC SWITCHED TELEPHONE NETWORK

)
)**Before the Examiner**
)**Simon P. Sing**
)
)**Group Art Unit 2645**
)
)**March 31, 2005**
)
)
)
)
)

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on the date shown below.

March 31, 2005

(Date of Deposit)

Charles P. Schmid

Native

Signature

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicants first wish to thank the Examiner for the Notice of Allowance. In the Examiner's Amendment that was attached to the Notice of Allowance, the Examiner provided reasons for allowance. The applicants' representative has reviewed the Examiner's statement of reason for allowance. It is agreed that the prior art of record fails to teach or render obvious the claims pending in the present application. However, it is not believed that reasons for allowance were necessary in this case. Reasons for allowance are only warranted in instances in which the record of prosecution as a whole does not make clear his or her reasons for allowing a claim. In the present case, it is believed that the record as a whole does make reasons for allowance clear and therefore, no statement by the Examiner is necessarily warranted.

Furthermore, the applicants do not necessarily agree with each statement in the reasons for allowance. The applicant does not acquiesce to any inference or presumption drawn from the Examiner's statements regarding the reasons for allowance. As stated MPEP at 1302.14, “[t]he examiner's statement of reasons for allowance is the personal opinion of the examiner as to why the claims are allowable [and the] examiner's statement should not create an *estoppel*.“ The

Comments On Statements Of Reasons For Allowance
Serial No. 10/050,284; Group Art Unit 2645
Attorney Docket No. 7320-223
Page 1 of 2

Examiner's statements regarding the reasons for allowance loosely paraphrase the language of the claims. For example, not all of the claims include all or any of the words used in the reasons for allowance. The Examiner has indicated that the claims are allowed by importing an interpretation into the claims in relation to the prior art that is imprecise, inaccurate, and/or places an unwarranted interpretation upon the claims. Such characterizations of the claims in view of the prior art does not properly take into account the applicants' claimed invention as reflected in the specification and the applicants' response in the prosecution history as a whole. As a result, the Examiner's statements regarding the reasons for allowance does not accurately represent the claimed invention.

Each claim is allowable because each claim recites a combination of elements not disclosed or suggested by any references. The invention resides in the combination of elements as variously recited in the claims, and not in the presence of any one or a few particular elements or limitations, or in the presence of any one or particular claim. Further, it is understood that each claim stands on its own merits.

Respectfully submitted,

By 

Charles P. Schmal, Reg. No. 45,082
Woodard, Emhardt, Moriarty, McNett &
Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

Comments On Statements Of Reasons For Allowance
Serial No. 10/050,284; Group Art Unit 2645
Attorney Docket No. 7320-223
Page 2 of 2

PAGE 3/3 * RCVD AT 3/31/2005 5:00:03 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/9 * DMS:8729306 * CSID:3176377561 * DURATION (mm:ss):01:30